

UNITED STATES DISTRICT COURT
for
EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION

U.S.A. vs. Daniel Brandon Kellogg

Docket No. 7:06-CR-15-1BR

Petition for Action on Supervised Release

COMES NOW Robert L. Thornton, probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Daniel Brandon Kellogg, who, upon an earlier plea of guilty to Convicted Felon in Possession of a Firearm, in violation of 18 U.S.C. §§ 922(g)(1) and 924, was sentenced by the Honorable W. Earl Britt, Senior U.S. District Judge, on October 2, 2006, to the custody of the Bureau of Prisons for a term of 70 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for 36 months under the standard conditions adopted by the court and the following additional conditions:

1. The defendant shall participate as directed in a program approved by the probation office for the treatment of narcotic addiction, drug dependency, or alcohol dependency which will include urinalysis testing or other drug detection measures and may require residence or participation in a residential treatment facility.
2. The defendant shall participate in a program of mental health treatment, as directed by the probation office.
3. The defendant shall consent to a warrantless search by a United States Probation Officer or, at the request of the probation officer, any other law enforcement officer, of the defendant's person and premises, including any vehicle, to determine compliance with the conditions of this judgment.
4. The defendant shall participate in a vocational training program as directed by the probation office.
5. The defendant shall submit a written weekly report to the probation office, if not regularly employed, of attempts to secure gainful employment.

Daniel Brandon Kellogg was released from custody on May 12, 2011, to the Middle District of Florida at which time the term of supervised release commenced.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS: On October 3, 2012, the releasee was arrested and charged with Domestic Battery by Strangulation in Clewiston, Florida. This incident resulted from an argument between the releasee and his girlfriend. The State Attorney's Office has dropped the charge against Kellogg due to insufficient evidence. However, the releasee admitted he put his hands around his girlfriend's neck and pushed her against his vehicle after she tried to break his vehicle's windshield. The probation officer recommends Kellogg complete up to 180 days in the Residential ReEntry Center. The

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probation officer notes that Kellogg has maintained stable employment and has completed substance abuse and mental health treatment and all urinalysis have been negative.

The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

You shall reside in a Residential ReEntry Center for a period of up to 180 days and shall observe the rules of that facility. While at the center, you shall be placed in the Community Confinement Component of the program, follow all center rules, and the probation officer's instructions regarding the implementation of this Court directive. Further, you shall contribute towards the cost of subsistence and may be required to pay for a physical examination at your own expense prior to entering the program. Cost of transportation to and from the RRC shall be the responsibility of the offender.

Except as herein modified, the judgment shall remain in full force and effect.

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Robert L. Thornton
Robert L. Thornton
Supervising U.S. Probation Officer
310 Dick Street
Fayetteville, NC 28301-5730
Phone: (910) 483-8613
Executed On: November 14, 2012

ORDER OF COURT

Considered and ordered this 15 day of November, 2012, and ordered filed and made a part of the records in the above case.

W. Earl Britt
Senior U.S. District Judge

